

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

LORI ANN RIOS,

Plaintiff,

Civil Action No.  
10-CV-14443

vs.

HON. MARK A. GOLDSMITH

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ACCEPTING AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND  
RECOMMENDATION**  
**and**  
**DENYING PLAINTIFF'S MOTION FOR ATTORNEY FEES**

This matter is presently before the Court on Magistrate Judge Charles E. Binder's Report and Recommendation ("R&R") dated October 5, 2011, in which he recommends that Plaintiff's motion for attorney fees pursuant to the Equal Access to Justice Act be denied without prejudice as premature. Plaintiff has not filed objections to the R&R, and the time to do so has expired. Thus, Plaintiff has waived any further right to appeal. Thomas v. Arn, 474 U.S. 140, 155 (1985). In any event, the Court has reviewed the record and agrees with the Magistrate Judge that Plaintiff's motion is premature. Accordingly, the Court accepts and adopts the R&R and denies Plaintiff's motion (Dkt. 16) without prejudice to Plaintiff's ability to re-file the motion at an appropriate time.

SO ORDERED.

Dated: October 28, 2011  
Flint, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 28, 2011.

s/Deborah J. Goltz

DEBORAH J. GOLTZ

Case Manager